

**JUDICIAL COUNCIL OF THE SIXTH CIRCUIT**  
**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

In re:  
Complaint of Judicial Misconduct

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\*Nos. 06-19-  
\*90032/33/34  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]**, the Honorable **[REDACTED]**, and the Honorable **[REDACTED]** (“subject judges”), pursuant to 28 U.S.C. § 351. The complaint alleges that the subject judges improperly denied the complainant’s petitions for a writ of mandamus. It further alleges that one of the subject judges had a conflict of interest because she dismissed a misconduct complaint that the complainant filed in 2011.

After conducting an initial review, the chief judge may dismiss a misconduct complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, “is not prejudicial to the effective and expeditious administration of the business of the courts”; (B) that the complaint “is directly related to the merits of a decision or procedural ruling”; (C) that the complaint is “frivolous,” a term that applies to charges that are wholly unsupported; or (D) that the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings; see 28 U.S.C. § 352(a), (b).

An initial review of the record reveals that the complainant filed two petitions for a writ of mandamus in the court of appeals. The subject judges denied both petitions.

This misconduct complaint is subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the subject judges’ rulings. See also 28 U.S.C. § 352(b)(1)(A)(ii). Any challenge to the merits of judges’ rulings is outside the scope of judicial-misconduct proceedings. See Rule 4(b)(1), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council is not a court and has no jurisdiction to review any decision by a judge. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331, 331-32 (6th Cir. 1988).

The complaint’s allegation of a conflict of interest is subject to dismissal under Rule 11(c)(1)(C) as wholly unsupported by the record. See also 28 U.S.C.

§ 352(b)(1)(A)(iii). A subject judge's disposition of a prior misconduct complaint filed by the complainant did not create any conflicting interest with regard to the adjudication of the complainant's mandamus petitions.

Accordingly, it is **ORDERED** that the complaint be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) and Rule 11(c)(1)(B) & (C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

*/s/ R. Guy Cole, Jr.*  
Chief Judge

Date: February 18, 2020